

Message Text

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ACTION IO-13

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SUBJECT: IGC-V- FUTURE ARRANGEMENTS FOR CONTINUED NEGOTIATION OF
UNIDO CONSTITUTION

REF: (A) VIENNA 2545; (B) STATE 071611

1. PRESIDENT'S NEGOTIATING GROUP APRIL 2 DEVOTED SEVERAL
HOURS TO QUESTION OF FUTURE ARRANGEMENTS FOR CONTINUING NEGOTIATION OF UNIDO CONSTITUTION.

2. BASIC CONFLICT EMERGED BETWEEN GROUP B AND G-77. LATTER
INSISTED THAT IGC AFTER FIVE SESSIONS, WITH VARIOUS MAJOR
POINTS IN THE CONSTITUTION STILL UNRESOLVED, HAD REACHED

"THE END OF THE ROAD" AND THAT THE ACTION MUST NOW BE TRANSFERRED TO A PLENIPOTENTIARY CONFERENCE AS ENVISAGED BY THE RELEVANT GA RESOLUTIONS. GROUP B TOOK THE POSITION THAT THE NEGOTIATION OF THE CONSTITUTION HAD NOT YET REACHED A STAGE WHERE THE MATTER COULD USEFULLY BE PUT TO A HIGH-LEVEL PLENIPOTENTIARY MEETING-THERE REMAINED TOO MANY COMPLEX ISSUES THAT STILL NEEDED RESOLUTION. WHAT WAS REQUIRED WAS PREFERABLY ANOTHER IGC SESSION IN VIENNA OR, AT THE LEAST A PREPARATORY MEETING (TO A PLENIPOTENTIARY CONFERENCE)

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IN NEW YORK OF SUFFICIENT DURATION TO GIVE TIME TO WORK OUT REMAINING ISSUES TO THE GREATEST EXTENT POSSIBLE. IT WAS CLEAR THAT, FOR VARIOUS REASONS, INCLUDING THE RELATIVELY SMALL G-77 ATTENDANCE AT IGC MEETINGS IN VIENNA (ABOUT 45 G-77 COUNTRIES PARTICIPATED IN IGC-V), THE G-77 WERE NO LONGER PREPARED TO CONTINUE NEGOTIATIONS IN VIENNA. THUS, ONE POSSIBLE COMPROMISE ARRANGEMENT COULD BE TO HAVE

THE IGC CONTINUE IN NEW YORK BUT DESIGNATED AS A PREPARATORY COMMITTEE TO THE PLENIPOTENTIARY CONFERENCE WHICH COULD BE CALLED AT SOME LATER DATE OF THE DRAFT CONSTITUTION SHOULD BE AGREED, OR ALMOST ENTIRELY AGREED UPON.

3. THE G-77 WERE AT ONE POINT PREPARED TO ENVISAGE TO TWO-PART PLENIPOTENTIARY, SPLIT BETWEEN AN INITIAL THREE-WEEK SESSION AT THE WORKING LEVEL FOLLOWED AFTER A 3-4 WEEK INTERVAL BY A RELATIVELY SHORT HIGH LEVEL MEETING TO IRON OUT FINAL POINTS, SIGN THE FINAL ACT AND INITIAL THE CONSTITUTION. HOWEVER, THEY INSISTED THAT THIS SPLIT MEETING BE DESIGNATED INTO THE PLENIPOTENTIARY CONFERENCE AND THAT THE CONVENING OF THE SECOND PART OF THE SESSION NOT BE CONTINGENT ON THE PROGRESS MADE IN THE FIRST PART AS WAS IMPLICIT IN THE GROUP B APPROACH. GROUP D INDICATED THAT IT WAS FLEXIBLE AND WOULD ACCEPT EITHER APPROACH. CHINA SUPPORTED THE G-77.

4. IN THE FACE OF INABILITY TO REACH AGREEMENT ON ANY PROCEDURAL RECOMMENDATION FOR INCLUSION IN THE IGC-V REPORT, IT WAS AGREED THAT IGC CHAIRMAN AMBASSADOR MEHTA SHOULD ADDRESS A LETTER TO WALDHEIM SETTING FORTH THE DIFFERENT VIEWS ON THIS MATTER AND SUGGESTING THAT THE SYG MIGHT WISH TO CONSULT THE GA AS TO FUTURE ARRANGEMENTS TO PERMIT CONTINUED NEGOTIATION OF THE CONSTITUTION. MEHTA INDICATED THAT HE WOULD CONSULT THE GEOGRAPHIC GROUPS ON THE PRECISE WORDING OF THE LETTER.

5. DURING THE DISCUSSION, PAUL SZASZ OF UNNY LEGAL OFFICE, LIMITED OFFICIAL USE

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IN RESPONSE TO A QUESTION, EXPRESSED THE VIEW THAT THE PRECONDITION TO THE CONVENING OF A PLENIPOTENTIARY CONFERENCE OF THE SYG, I.E., THAT THE IGC "DRAW UP" A CONSTITUTION FOR UNIDO, WHICH HAD BEEN ENVISAGED BY THE GA WHEN IT ADOPTED THE RESOLUTIONS ON THIS MATTER HAD NOT YET BEEN FULFILLED. THUS, THE SYG HAD NO GROUNDS ON WHICH TO CONVENE THE CONFERENCE.

6. THE DATES GENERALLY REGARDED AS MOST PRACTICABLE FOR THE WORKING LEVEL MEETING IN NEW YORK (WHETHER AS A PREPARATORY COMMITTEE OR AS THE FIRST STAGE OF THE PLENIPOTENTIARY) WERE AUGUST 29-SEPTEMBER 16. A SUGGESTION OF THE G-77 THAT SUCH MEETING COULD BE HELD CONCURRENTLY WITH THE GA WAS REGARDED BY THE SECRETARIAT AS IMPRACTICABLE. AS MATTERS NOW STAND, THEREFORE, IF WALDHEIM IS FIRST TO CONSULT THE 32ND GA ON FUTURE ARRANGEMENTS, NO FURTHER MEETING TO NEGOTIATE THE CONSTITUTION FOR THE LENGTH OF TIME WHICH APPEARS TO BE REQUIRED (I.E. THREE WEEKS) WOULD APPEAR TO BE POSSIBLE

UNTIL EARLY 1978. STIBRAVY

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